

Applicant : J. Stuart Cumming
Appl. No. : 09/943,910
Examiner : Kamrin R. Landrem
Docket No. : 13533.4030

Remarks

Favorable reconsideration of this application is requested.

Enclosed is a copy of the Power of Attorney to Orrick, Herrington & Sutcliffe LLP which was filed in this application on June 30, 2003. Even so, the Office continues to send office actions to the prior attorneys, Fulbright & Jaworski LLP. Please correct the office records and mail any subsequent communications to:

Orrick, Herrington & Sutcliffe LLP
Samuel B. Stone
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Irvine, California 92614-2558
Customer No. 34313

The present independent claims have been amended to more precisely define the present invention and particularly define that the protuberance or protuberances are designed to directly engage the inside of the capsular bag. This is of particular significance as will be discussed below with regard to the annular bulges 15 of the Schlegel patent.

The Examiner in the last office action contends that the bulges 15 of Schlegel could reasonably be added to the IOL of Figures 14 and 15 of Klaas. It is respectfully submitted that there would absolutely be no motivation nor incentive to do so. At the time the Schlegel patent was filed and issued, capsulorhexus involving cutting a continuous circular hole was not recognized nor known, according to the present inventor Dr. Cumming. As a result, the Schlegel lens would either be implanted in the anterior chamber as stated in the paragraph bridging columns 2 and 3, or in the posterior chamber. If in the posterior chamber, that is the chamber between the back of the iris and the front of the human lens or its capsule. At that time, procedures were not developed (capsulorhexus) so that an IOL could even be implanted in the capsular bag. Furthermore, a lens cannot accommodate if it is not

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in the capsular bag. Thus, the present claims have been amended to clearly state that that the protuberance or protuberances extending from a haptic or haptics is designed to directly engage the inside of the capsular bag.

Thus, not only would one skilled in the art think of combining the Freznel lens or its bulges of Schlegel with the Klaas lenses of Figs. 14-15 because they are for entirely different purposes (Schlegel a fixed Freznel IOL for the anterior or posterior chamber) as versus the Klaas lenses for implantation in the capsular bag of the eye. The annular bulges 15 of Schlegel were added to counter the tendency of the lens to rotate in the posterior chamber, and not in a capsular bag.

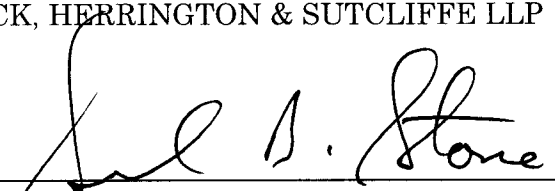
Accordingly, it is respectfully submitted that the proposed combination of Klaas and Schlegel is without merit.

A Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 6-22-06

By: 
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